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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,121	11/27/2001	Jeffrey B. Parham	212160	9771

27488 7590 10/20/2005  
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EXAMINER

DOAN, DUYEN MY

ART UNIT PAPER NUMBER

2143

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/995,121	Applicant(s) PARHAM, JEFFREY B.	
	Examiner Duyen M. Doan	Art Unit 2143	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

**Claims 1-9 are amended for examination.**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8, 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Prasad et al (us pat 6539381).

**As regarding claims 1, 9** Prasad disclosed first maintaining, by each of the plurality of servers, a timestamp that is posted upon each update to the server's database (see col.3, lines 1-56, col.4, lines 38-54, col.11, lines 1-53); second maintaining, by two or more of the plurality of servers, a replica partner vector table that includes for each other server from which the server replicates, the update sequence number of such other server at a time of a most recent replication from such other server or the timestamp of the last successful replication attempt with such other server (see col.3, lines 1-56, col.4, lines 38-54, col.11, lines 1-53); transmitting a copy of the replica partner vector table of the local server to the remote server (see col.3, lines 1-56, col.4, lines 38-54, col.11, lines 1-53); comparing, by the remote server, the

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update sequence numbers and timestamps in the replica partner vector table received from the local server to the update sequence numbers and timestamps in the replica partner vector table of the remote server (see col.3, lines 1-56, col.4, lines 38-54, col.11, lines 1-53); updating, by the remote server, the replica partner vector table received from the local server(see col.3, lines 1-56, col.4, lines 38-54, col.11, lines 1-53); transmitting, by the remote server, a copy of the updated replica partner vector table and object updates to the local server (see col.3, lines 1-56, col.4, lines 20-54, col.11, lines 1-53); improving, by the local server, upon receiving the updated replica partner vector from the remote server, update sequence numbers or timestamps in the partner vector table of the local server (see col.3, lines 1-56, col.4, lines 38-54, col.11, lines 1-53); and calculating, by the local server, a difference between the timestamp for each server in the replica partner vector and a current time (see col.3, lines 1-56, col.4, lines 20-54, col.11, lines 1-53).

**As regarding claim 8**, Prasad disclosed transmitting a copy of the remote server's replica partner vector table to the local server, comparing the remote server's replica partner vector table with the local server's replica partner vector table, updating the replica partner vector table received from the remote server, and transmitting a copy of the updated replica partner vector table and object updates to the remote server (see col.3, lines 1-56, col.4, lines 20-54, col.11, lines 1-53).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prasad (us pat 6539381) in view of Lever (us pat 5944840).

**As regarding claim 2**, Prasad disclosed all limitations in claim 1, but Prasad did not expressly disclose comparing, by the local server, the difference to a maximum allowable latency time period.

Lever taught comparing, by the local server, the difference to a maximum allowable latency time period (col.3, lines 20-26, col.3, lines 38-42).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Lever to the method of Prasad to compare the difference to a maximum allowable latency time period because by determining the latency has exceeded a predetermined value so the alarm can produce to alert the user (see Lever col.3, lines 38-42).

**As regarding claim 3**, Prasad-Lever disclosed by the local server, an alert if the difference is greater than the maximum allowable latency time (see Lever col.3, lines 38-42). The same motivation was utilized in claim 2 applied equally well to claim 3.

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**As regarding claim 6**, Prasad-Lever disclosed alert generated is a message displayed on a user's computer screen (see Lever col.7, lines 60-64). The same motivation was utilized in claim 2 applied equally well to claim 6.

**As regarding claim 7**, Prasad-lever disclosed the alert generated is a broadcast message to all servers in the computer system (see Lever col.7, lines 48-64). The same motivation was utilized in claim 2 applied equally well to claim 7.

Claims 4, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prasad and Lever as applied to claims 1,2,3 above, and further in view of Landan (us pat 6449739).

**As regarding claim 4**, Prasad and Lever taught all the limitation of claim 1,2,3 above, but they did not teach wherein the alert generated is an email message sent to a network administrator.

Landan taught wherein the alert generated is an email message sent to a network administrator (col.3, line 45-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Prasad and Lever with the teachings of Landan to email the alert to the network administrator because a person with ordinary skill in the art would realize that email is a convenient way to communicate over the network.

**As regarding claim 5**, is rejected for the same reason as claim 4.

***Response to Arguments***

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

See the above office action for detail.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

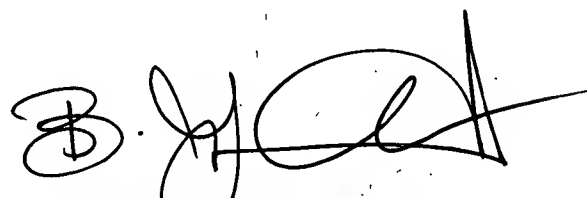
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner  
Duyen Doan  
Art unit 2143



**BUNJOD JAROENCHONWANIT**  
**PRIMARY EXAMINER**